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EN

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⁽¹⁾ Text with EEA relevance.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the entry into force between the European Union and Peru, of the Additional Protocol to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of the Republic of Croatia to the European Union

The Additional Protocol to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of the Republic of Croatia to the European Union ⁽¹⁾, signed in Brussels on 30 June 2015, shall, pursuant to its Article 12.3, enter into force between the European Union and Peru as from 1 May 2017.

⁽¹⁾ OJ L 204, 31.7.2015, p. 3.

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/747

of 17 December 2015

supplementing Regulation (EU) No 806/2014 of the European Parliament and the Council with regard to the criteria relating to the calculation of *ex ante* contributions, and on the circumstances and conditions under which the payment of extraordinary *ex post* contributions may be partially or entirely deferred

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 ⁽¹⁾, and in particular Articles 69(5) and 71(3) thereof,

Whereas:

- (1) The Single Resolution Fund ('the Fund') was established pursuant to Regulation (EU) No 806/2014 as a single financing arrangement for all the Member States participating in the Single Supervisory Mechanism pursuant to Council Regulation (EU) No 1024/2013 ⁽²⁾ and in the Single Resolution Mechanism ('the participating Member States').
- (2) Article 67 of Regulation (EU) No 806/2014 establishes the Single Resolution Fund ('the Fund') and the purposes for which Single Resolution Board ('the Board') may use the Fund.
- (3) In accordance with Article 76 of Regulation (EU) No 806/2014, the Fund should only be used in resolution procedures where the Board considers it necessary to ensure the effective application of the resolution tools in line with the mission of the Fund. The Fund therefore should have adequate financial resources to allow for an effective functioning of the resolution framework by being able to intervene, where necessary, for the effective application of the resolution tools and to protect financial stability without recourse to taxpayers' money.
- (4) Article 70(2) of Regulation (EU) No 806/2014 provides that the Board is empowered to calculate the individual *ex ante* contributions due from all of the institutions authorised in the territories of all participating Member States, under Article 70(2) of Regulation (EU) No 806/2014, and that those annual contributions should be calculated on the basis of a single target level established as a percentage of the amount of covered deposits of all of the credit institutions authorised in all participating Member States
- (5) In accordance with Article 67(2) of Regulation (EU) No 806/2014, the Board therefore should ensure that the available financial means of the Fund reach at least the target level referred to in Article 69(1) of Regulation (EU) No 806/2014 by the end of an initial period of eight years from 1 January 2016, or, otherwise, from the date on which Article 69(1) of Regulation (EU) No 806/2014 is applicable by virtue of Article 99(6) of that Regulation.
- (6) In accordance with Articles 67 and 69 of Regulation (EU) No 806/2014, the Board should ensure, during the initial period referred to in Article 69(1) of Regulation (EU) No 806/2014, that contributions to the Fund are spread out in time as evenly as possible until the target level is reached and should extend the initial period for

⁽¹⁾ OJ L 225, 30.7.2014, p. 1.

⁽²⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).

a maximum of four years in the event that the Fund has made cumulative disbursements in excess of 50 % of the target level and where the criteria of this Regulation are met. Therefore, annual contributions raised in accordance with Articles 69(4) of Regulation EU No 806/2014 may exceed 12,5 % of the target level. If, after the initial period, the available financial means diminish below the target level, the Board should ensure that regular *ex ante* contributions are raised until the target level is reached. After the target level has been reached for the first time and where the available financial means have subsequently been reduced to less than two-thirds of the target level, the Board should ensure that those contributions are set at a level allowing for reaching the target level within six years. Therefore, the annual contributions referred to in the second sentence of Article 69(4) of Regulation (EU) No 806/2014 may exceed 12,5 % of the target level in order to reach the target level within six years

- (7) In accordance with Article 69(4) of Regulation (EU) No 806/2014, the phase of the business cycle and the impact pro-cyclical contributions may have on the financial position of contributing institutions should be taken into account when calculating *ex ante* contributions.
- (8) Any variation resulting in lower *ex ante* contributions should be calculated taking into account the fact that it would later lead to an increase in order to ensure that the target level is reached within the set deadlines.
- (9) Any variations to the level of *ex ante* contributions or extensions of the initial period should be applied equally to all institutions in participating Member States so as not to result in a reallocation of contributions among those institutions.
- (10) Pursuant to Article 71(2) of Regulation (EU) No 806/2014, the Board should defer, in whole or in part, an institution's payment of extraordinary *ex post* contributions where it is necessary to protect its financial position. When determining whether the deferral is necessary to protect an institution's financial position, the Board should assess the impact a payment of extraordinary *ex post* contributions would have on the solvency and liquidity position of that institution.
- (11) The deferral of extraordinary *ex post* contributions should be granted by the Board upon an institution's request in order to facilitate the assessment by the Board that that institution meets the conditions for the deferral set out in Article 71(2) of Regulation (EU) No 806/2014. The concerned institution should provide any information deemed necessary by the Board to conduct such assessment. The Board should take into account all information available to the national competent authorities to avoid any duplication of notification requirements.
- (12) When assessing the impact of the payment of extraordinary *ex post* contributions on the solvency or liquidity of the institution, the Board should analyse the impact of the payment on the institution's capital and liquidity position. The analysis should assume a loss on the institution's balance sheet equal to the amount payable at the point in time when it is due and make a projection of the institution's capital ratios following this loss for an appropriate time frame. Moreover, it should assume an outflow of funds equal to the amount payable at the point in time when it is due and should assess the liquidity risk,

HAS ADOPTED THIS REGULATION:

CHAPTER I

COMMON PROVISIONS

Article 1

Subject matter

This Regulation lays down rules specifying:

- (1) the criteria for the spreading out in time of the contributions to the Fund pursuant to Article 69(2) of Regulation (EU) No 806/2014;
- (2) the criteria for determining the number of years by which the initial period referred to in Article 69(1) of Regulation No (EU) 806/2014 can be extended in accordance with Article 69(3) of Regulation No (EU) 806/2014;

- (3) the criteria for establishing the annual contributions provided for in Article 69(4) of Regulation No (EU) 806/2014;
- (4) the circumstances and conditions under which the payment of extraordinary *ex post* contributions may be partially or entirely deferred pursuant to Article 71(2) of Regulation No (EU) 806/2014.

Article 2

Definitions

For the purposes of this Regulation, the following definition shall also apply:

- (1) 'initial period' means the period referred to in Article 69(1) of Regulation (EU) No 806/2014;
- (2) 'deferral period' means a period of up to six months.

CHAPTER II

CRITERIA RELATING TO EX ANTE CONTRIBUTIONS

Article 3

Criteria for spreading out in time *ex ante* contributions during the initial period

1. When assessing the phase of the business cycle and the impact that pro-cyclical contributions may have on the financial position of contributing institutions in accordance with Article 69(2) of Regulation (EU) No 806/2014, the Board shall take into consideration at least the following indicators:
 - (a) the macroeconomic indicators set out in the Annex, to identify the phase of the business cycle;
 - (b) the indicators set out in the Annex, to identify the financial position of the contributing institutions.
2. The indicators taken into consideration by the Board shall be determined in respect of all participating Member States jointly.
3. Any decision by the Board to spread contributions out in time shall be applied equally to all institutions contributing to the Fund.
4. In any given contribution period, the level of annual contributions may be relatively lower than the average of the annual contributions calculated in accordance with Articles 69(1) and 70(2) of Regulation EU No 806/2014 only where the Board verifies that based on conservative projections the target level can be reached at the end of the initial period.

Article 4

Criteria for determining the number of years by which the initial period can be extended

1. When determining the number of years by which the initial period referred to in Article 69(1) of Regulation (EU) No 806/2014 can be extended in accordance with Article 69(3) of Regulation (EU) No 806/2014, the Board shall take into consideration at least the following criteria:
 - (a) the minimum of the number of years required to reach the target level referred to in Article 69(1) of Regulation EU No 806/2014 subject to annual contributions not exceeding two times the average annual contributions over the initial period);

- (b) the phase of the business cycle and the impact that pro-cyclical contributions may have on the financial position of contributing institutions, as specified by the indicators referred to in Article 3(1);
 - (c) any additional disbursements of the Fund expected by the Board, after consultation with the ESRB, in the subsequent four-year period.
2. The Board shall not, under any circumstances, extend the initial period for more than four years.

Article 5

Criteria for establishing the annual contributions after the initial period

When calculating the contributions referred to in Article 69(4) of Regulation (EU) No 806/2014, the Board shall take into account the phase of the business cycle and the impact that pro-cyclical contributions may have on the financial position of contributing institutions, as specified by the indicators referred to in Article 3(1).

CHAPTER III

DEFERRAL OF EX POST CONTRIBUTIONS

Article 6

Deferral of extraordinary *ex post* contributions

1. The Board shall, on its own initiative after consulting the national resolution authority, or upon proposal by a national resolution authority, defer, in whole or in part, an institution's payment of extraordinary *ex post* contributions in accordance with Article 71(2) of Regulation (EU) No 806/2014, if it is necessary to protect its financial position.
2. The deferral of extraordinary *ex post* contributions may be granted by the Board upon an institution's request. That institution shall provide any information deemed necessary by the Board to conduct the assessment of the impact of the payment of extraordinary *ex post* contributions on its financial position. The Board shall take into account all information available to the national competent authorities to establish whether that institution meets the conditions for deferral referred to in paragraph 4.
3. When determining whether that institution meets the conditions for deferral, the Board shall assess the impact a payment of extraordinary *ex post* contributions would have on the solvency and liquidity position of that institution. Where that institution is part of a group, the assessment shall also include the impact of solvency and liquidity of the group as a whole.
4. The Board may defer payment of extraordinary *ex post* contributions where it concludes that the payment results in any of the following:
 - (a) a likely breach, within the following six months, of the institution's minimum own funds requirements set out in Article 92 of Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽¹⁾;
 - (b) a likely breach, within the following six months, of the institution's minimum liquidity coverage requirement set out in Article 412(1) of Regulation (EU) No 575/2013 and specified in Article 4 of the Commission Delegated Regulation (EU) 2015/61 ⁽²⁾;
 - (c) a likely breach, within the following six months, of the institution's specific liquidity requirement set out in Article 105 of Directive 2013/36/EU of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ Regulation (EU) No 575/2013 of the European Parliament and the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) 2015/61 of 10 October 2014 to supplement Regulation (EU) No 575/2013 of the European Parliament and the Council with regard to liquidity coverage requirement for Credit Institutions (OJ L 11, 17.1.2015, p. 1).

⁽³⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338.)

5. The Board shall limit the deferral period to the extent it is necessary to avoid risks to the financial position of that institution or its group. The Board shall regularly monitor whether the conditions for the deferral referred to in paragraph 4 continue to apply during the deferral period.

6. Upon request of that institution, the Board may renew the deferral period, where it determines that the conditions for the deferral referred to in paragraph 4 continue to apply. This renewal shall not exceed 6 months.

Article 7

Assessment of the impact of the deferral on solvency

1. The Board, or the national resolution authority, shall assess the impact of the payment of extraordinary *ex post* contributions on the institution's regulatory capital position. That assessment shall include an analysis of the impact the payment of extraordinary *ex post* contributions would have on the institution's compliance with the minimum own funds requirements set out in Article 92 of Regulation (EU) No 575/2013.

2. For the purpose of this assessment, the amount of *ex post* contributions shall be deducted from the institution's own funds position.

3. The analysis referred to in paragraph 1 shall cover at least the period up to the next reporting remittance date for the own funds requirement set out in Article 3 of Commission Implementing Regulation (EU) No 680/2014 ⁽¹⁾.

Article 8

Assessment of the impact of deferral on liquidity

1. The Board, or the national resolution authority, shall assess the impact of the payment of extraordinary *ex post* contributions on the institution's liquidity position. That assessment shall include an analysis of the impact a payment of extraordinary *ex post* contributions would have on the institution's ability to meet the liquidity coverage requirement provided for in Article 412(1) of Regulation (EU) No 575/2013 and specified in Article 4 of Delegated Regulation (EU) 2015/61.

2. For the purposes of the analysis described in paragraph 1, the Board shall add a liquidity outflow, equal to 100 % of the amount payable at the point in time when the payment of extraordinary *ex post* contributions is due, to the calculation of net liquidity outflows as set out in Article 20(1) of Delegated Regulation (EU) 2015/61.

3. The Board shall also assess the impact of such outflow established under paragraph 2 on the specific liquidity requirements set out in Article 105 of Directive 2013/36/EU.

4. The analysis referred to in paragraph 1 shall cover at least the period up to the next reporting remittance date for the liquidity coverage requirement set out in Article 3 of Implementing Regulation (EU) No 680/2014.

CHAPTER IV

FINAL PROVISIONS

Article 9

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 191, 28.6.2014, p. 1).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2015.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Macroeconomic indicators to identify the phase of the business cycle

GDP Growth Forecast and Economic Sentiment Indicator from the European Commission.

GDP Growth from ECB's Macroeconomic Projections for the euro area.

Indicators to identify the financial position of the contributing institutions

- (1) Private sector credit flow over GDP and Change in Total Financial Sector Liabilities from the European Commission's Scoreboard on Macroeconomic Imbalances.
 - (2) Composite Indicator of Systemic Stress and probability of a simultaneous default by two or more large and complex banking groups of the participating Member States from the ESRB's Risk Dashboard.
 - (3) Changes in credit standards for loans to households (for house purchase) and changes in credit standards for loans to non-financial corporations from the ESRB's Risk Dashboard.
 - (4) Indicators on the profitability of large banking groups of the participating Member States contained in the European Banking Authority Risk Dashboard, such as return on equity and net interest income to total operating income.
 - (5) Indicators on the solvency of large banking groups of the participating Member States contained in the European Banking Authority Risk Dashboard, such as Tier 1 capital to total assets excluding intangible assets and impaired loans and past-due loans to total loans.
-

COMMISSION DELEGATED REGULATION (EU) 2017/748**of 14 December 2016****amending Annex I to Regulation (EU) No 510/2011 of the European Parliament and of the Council in order to take into account the evolution of the mass of new light commercial vehicles registered in 2013, 2014 and 2015****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾, and in particular Article 13(5) thereof,

Whereas:

- (1) The average mass value used for the purpose of calculating the specific emissions of CO₂ for each new light commercial vehicle is to be adjusted every 3 years to take into account any changes in the average mass of the new vehicles registered in the Union.
- (2) It is evident from the monitoring of the mass in running order of new light commercial vehicles registered in calendar years 2013, 2014 and 2015 that the average mass has increased and the figure M₀ referred to in point 1(b) of Annex I to Regulation (EU) No 510/2011 should therefore be adjusted.
- (3) The new value should be determined by taking into account only those values that the vehicle manufacturers concerned have been able to verify whilst excluding values from the calculation that were obviously incorrect, i.e. values lower than 500 kg as well as values relating to vehicles that were out of the scope of Regulation (EU) No 510/2011 including vehicles with a reference mass exceeding 2 840 kg. The new value is moreover based on the weighted average taking into account the number of new registrations in each of the reference years.
- (4) Against that background, the M₀ value to be applied from 2018 should be increased by 60,4 kg from 1 706,0 to 1 766,4,

HAS ADOPTED THIS REGULATION:

Article 1

Point 1(b) of Annex I to Regulation (EU) No 510/2011 is replaced by the following:

‘From 2018:

Specific emission of CO₂ = 175 + a × (M – M₀)

Where:

M = mass of the vehicle in kilograms (kg)

M₀ = 1 766,4

a = 0,093;’

⁽¹⁾ OJ L 145, 31.5.2011, p. 1.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2017/749
of 24 February 2017
amending Regulation (EU) 2015/755 of the European Parliament and of the Council as regards the
removal of Kazakhstan from the list of countries in Annex I thereto

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

- (1) In view of the accession of Kazakhstan to the World Trade Organisation, provisions should be made that Kazakhstan is removed from the scope of Regulation (EU) 2015/755.
- (2) Regulation (EU) 2015/755 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EU) 2015/755, the name 'Kazakhstan' is deleted.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 123, 19.5.2015, p. 33.

COMMISSION DELEGATED REGULATION (EU) 2017/750**of 24 February 2017****amending Council Regulation (EC) No 673/2005 establishing additional customs duties on imports of certain products originating in the United States of America**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America ⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) As a result of the United States' failure to bring the Continued Dumping and Subsidy Offset Act (CDSOA) in compliance with its obligations under the World Trade Organization (WTO) agreements, Regulation (EC) No 673/2005 imposed a 15 % *ad valorem* additional customs duty on imports of certain products originating in the United States of America as from 1 May 2005. In conformity with the WTO authorisation to suspend the application of concessions to the United States, the Commission is to adjust the level of suspension annually to the level of nullification or impairment caused by the CDSOA to the European Union at that time.
- (2) The CDSOA disbursements for the most recent year for which data are available relate to the distribution of anti-dumping and countervailing duties collected during the Fiscal Year 2016 (1 October 2015 — 30 September 2016) as well as the additional distribution anti-dumping and countervailing duties collected during the Fiscal Years 2011, 2012, 2013, 2014 and 2015. On the basis of the data published by the United States' Customs and Border Protection, the level of nullification or impairment caused to the Union is calculated at USD 8 165 179.
- (3) The level of nullification or impairment and consequently of suspension has increased. However, the level of suspension cannot be adjusted to the level of nullification or impairment by adding or removing products from the list in Annex I to Regulation (EC) No 673/2005. As a consequence, in accordance with Article 3(1)(e) of that Regulation, the Commission should keep the list of products in Annex I unchanged and amend the rate of the additional duty in order to adjust the level of suspension to the level of nullification or impairment. The four products listed in Annex I should therefore be maintained on the list and the rate of additional import duty should be amended and set at 4,3 %.
- (4) The effect of a 4,3 % *ad valorem* additional import duty on imports from the United States of the products in Annex I represents, over one year, a value of trade that does not exceed USD 8 165 179.
- (5) To make sure that there are no delays in the application of the amended rate of additional import duty, this Regulation should enter into force on the day of its publication.
- (6) Regulation (EC) No 673/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 673/2005 is replaced by the following:

'Article 2

An *ad valorem* duty of 4,3 % additional to the customs duty applicable under Council Regulation (EEC) No 2913/92 (*) shall be imposed on the products originating in the United States of America listed in Annex I to this Regulation.

(*) OJ L 302, 19.10.1992, p. 1.'

⁽¹⁾ OJ L 110, 30.4.2005, p. 1; as amended by Regulation (EU) No 38/2014 of the European Parliament and of the Council (OJ L 18, 21.1.2014, p. 52).

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 May 2017.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

'ANNEX I

The products on which additional duties are to apply are identified by their eight-digit CN codes. The description of products classified under these codes can be found in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾ as amended by Commission Regulation (EC) No 1810/2004 ⁽²⁾.

0710 40 00

9003 19 30

8705 10 00

6204 62 31

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Commission Regulation (EC) No 1810/2004 of 7 September 2004 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 327, 30.10.2004, p. 1).'

COMMISSION DELEGATED REGULATION (EU) 2017/751**of 16 March 2017****amending Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 as regards the deadline for compliance with clearing obligations for certain counterparties dealing with OTC derivatives****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories ⁽¹⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Commission Delegated Regulations (EU) 2015/2205 ⁽²⁾, (EU) 2016/592 ⁽³⁾ and (EU) 2016/1178 ⁽⁴⁾ determine 4 categories of counterparties for the purposes of setting out the dates on which their respective clearing obligations take effect. Counterparties are categorised according to their level of legal and operational capacity and by their trading activity in relation to OTC derivatives.
- (2) In order to ensure a timely and orderly application of the clearing obligation, staggered phase-in periods were applied to those different categories of counterparties.
- (3) The date on which the clearing obligation takes effect for counterparties within Category 3 takes into account the fact that the majority of those counterparties can only get access to a central counterparty (CCP) by becoming either a client or an indirect client of a clearing member.
- (4) Counterparties with the lowest level of activity in OTC derivatives are comprised in Category 3. Recent evidence suggests that counterparties in that category face significant difficulties in the preparation of necessary arrangements for clearing those derivative contracts. This is due to complexities affecting both types of access to clearing arrangements, namely client clearing and indirect client clearing.
- (5) Firstly, in relation to client clearing arrangements, there appears to be little incentive for clearing members to extensively develop their client clearing offer, because of cost issues. This is even more so for counterparties with a limited volume of activity in OTC derivatives. In addition, the regulatory framework on the capital requirements applicable to client clearing activities is being modified, which creates uncertainties that act as impediments to the development of a range of client clearing offerings by clearing members.
- (6) Secondly, in relation to indirect clearing arrangements, as a result of the lack of the offer, counterparties are currently unable to access CCPs by becoming an indirect client of a clearing member.
- (7) On the basis of those difficulties and in order to provide those counterparties with an additional period of time to finalise the necessary clearing arrangements it is appropriate to postpone the dates on which the clearing obligation takes effect for counterparties within Category 3. However, account has already been taken of the incentives to centralise risk management within a group in relation to intragroup transactions and the postponement of the dates has no impact on those incentives and those dates concerning certain OTC derivatives concluded between counterparties belonging to the same group.

⁽¹⁾ OJ L 201, 27.7.2012, p. 1.⁽²⁾ Commission Delegated Regulation (EU) 2015/2205 of 6 August 2015 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 314, 1.12.2015, p. 13).⁽³⁾ Commission Delegated Regulation (EU) 2016/592 of 1 March 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 103, 19.4.2016, p. 5).⁽⁴⁾ Commission Delegated Regulation (EU) 2016/1178 of 10 June 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 195, 20.7.2016, p. 3).

- (8) In light of the positive consequences arising from the establishment of clearing arrangements and to avoid duplication of efforts regarding the preparations to clear different asset classes subject to the clearing obligation, it is appropriate to align the new dates on which the clearing obligation takes effect for counterparties within Category 3.
- (9) Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 should therefore be amended.
- (10) This Regulation is based on draft regulatory technical standards submitted by the European Securities and Markets Authority (ESMA) to the Commission.
- (11) ESMA has conducted an open public consultation on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits, requested the opinion of the Securities and Markets Stakeholder Group established by Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽¹⁾, and consulted the European Systemic Risk Board,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Delegated Regulation (EU) 2015/2205

In Article 3(1) of Delegated Regulation (EU) 2015/2205, point (c) is replaced by the following:

‘(c) 21 June 2019 for counterparties in Category 3;’.

Article 2

Amendment to Delegated Regulation (EU) 2016/592

In Article 3(1) of Delegated Regulation (EU) 2016/592, point (c) is replaced by the following:

‘(c) 21 June 2019 for counterparties in Category 3;’.

Article 3

Amendment to Delegated Regulation (EU) 2016/1178

In Article 3(1) of Delegated Regulation (EU) 2016/1178, point (c) is replaced by the following:

‘(c) 21 June 2019 for counterparties in Category 3;’.

Article 4

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 March 2017.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION REGULATION (EU) 2017/752**of 28 April 2017****amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC ⁽¹⁾, and in particular Article 5(1)(a), (c), (d), (e), (h), (i) and (j), and Article 11(3),

Whereas:

- (1) Commission Regulation (EU) No 10/2011 ⁽²⁾ ('the Regulation') lays down specific rules as regards plastic materials and articles intended to come into contact with foods.
- (2) Since the last amendment to the Regulation, the European Food Safety Authority ('the Authority') has published further reports on particular substances that may be used in food contact materials as well as on the permitted use of already authorised substances. In addition, certain textual errors and ambiguities were identified. In order to ensure that the Regulation reflects the most recent findings of the Authority and in order to remove any doubt as regards its correct application, the Regulation should be amended and corrected.
- (3) The authorisation of several substances in Table 1 of Annex I to the Regulation refers to note (1) in Table 3 of that Annex. Compliance is therefore verified by residual content per food contact surface area (QMA) pending the availability of an analytical method for determining the specific migration. As adequate migration testing methods are available, and the specific migration limits have been specified, the possibility to verify compliance by residual content should be removed from the entries for substances with FCM substance Nos 142, 168, 202, 387, 462, 467, 481, 502, 662, and 779.
- (4) The Authority adopted a favourable scientific opinion ⁽³⁾ on the use of the substance diethyl[[3,5-bis(1,1-dimethylethyl)-4-hydroxyphenyl]methyl]phosphonate, with the CAS number 976-56-7 and the FCM substance No 1007. The Authority concluded that the substance is not of a safety concern for the consumer if used up to 0,2 % w/w based on the final polymer weight in the polymerisation process to manufacture poly(ethylene terephthalate) (PET) intended for contact with all types of foods under any contact conditions of time and temperature. Therefore, that substance should be added to the Union list of authorised substances with the restriction that it is only to be used in the polymerisation process to manufacture PET and at up to 0,2 % (w/w). As the Authority indicated that the substance is used in the polymerisation process and becomes part of the polymeric backbone of the final polymer, it should be listed as a starting substance.
- (5) The Authority adopted a favourable scientific opinion ⁽⁴⁾ on the use of the substance (methacrylic acid, ethyl acrylate, n-butyl acrylate, methyl methacrylate and butadiene) copolymer in nanoform, with the FCM substance No 1016. The Authority concluded that the substance is not of a safety concern for the consumer if used as an additive at up to 10 % w/w in non-plasticised PVC or up to 15 % w/w in non-plasticised PLA, used in contact with all food types, at room temperature or below, for long-term storage. Therefore, this additive should be included in the Union list of authorised substances with the restriction that those specifications should be met.
- (6) The Authority adopted a favourable scientific opinion ⁽⁵⁾ on the use of the additive montmorillonite clay modified by dimethyldialkyl(C16-C18)ammonium chloride with FCM No 1030. The Authority concluded that the

⁽¹⁾ OJ L 338, 13.11.2004, p. 4.

⁽²⁾ Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food (OJ L 12, 15.1.2011, p. 1).

⁽³⁾ EFSA Journal 2016;14(7):4536.

⁽⁴⁾ EFSA Journal 2015;13(2):4008.

⁽⁵⁾ EFSA Journal 2015;13(11):4285.

use of the mixture does not give rise to a safety concern if the substance is used at up to 12 % w/w in polyolefins intended for dry foods to which simulant E is assigned in Annex III to Regulation (EU) No 10/2011, and when used at room temperature or below, and if the migration of the substances 1-chlorohexadecane and 1-chlorooctadecane which can be present as impurities or degradation products does not exceed 0,05 mg/kg food. The Authority noted that the particles can form platelets that can be in one dimension in the nano range but that the migration of such platelets is not expected if these are oriented parallel to the film surface and when fully embedded in the polymer. Therefore, that additive should be included in the Union list of authorised substances with the restriction that those specifications should be met.

- (7) The Authority adopted a favourable scientific opinion ⁽¹⁾ on the use of the additive α -tocopherol acetate with FCM No 1055, CAS Nos 7695-91-2 and 58-95-7. The Authority concluded that the use of the substance as antioxidant in polyolefins does not give rise to a safety concern. The Authority noted that the substance hydrolyses to α -tocopherol and acetic acid which are both authorised food additives under Regulation (EC) No 1333/2008 of the European Parliament and of the Council ⁽²⁾. Consequently, there is a risk that the restrictions set out by Regulation (EC) No 1333/2008 applicable to those two hydrolysis products could be exceeded. Therefore, that additive should be included in the Union list of authorised substances with the restriction that it can only be used as an antioxidant in polyolefins, and a note should be added that the restrictions set out in Regulation (EC) No 1333/2008 have to be met.
- (8) The Authority adopted a favourable scientific opinion ⁽³⁾ on the use of the additive ground sunflower seed hulls with FCM No 1060. The Authority concluded that the use of the substance is not a safety concern if used as an additive in plastics intended for contact with dry foods, if these are used at room temperature or below. The seed hulls should be obtained from sunflower seeds that are fit for human consumption and the plastic containing the additive should be subjected to processing temperatures not higher than 240 °C. Therefore, that additive should be included in the Union list of authorised substances with the restriction that it can only be used in contact with foods to which food simulant E is assigned in Table 2 of Annex III, and if it is obtained from sunflower seed suitable for human consumption, and the resulting plastic containing the additive is not subjected to processing temperatures higher than 240 °C.
- (9) The Authority adopted a favourable scientific opinion ⁽⁴⁾ on the use of the defined mixture with FCM No 1062, composed of 97 % tetraethyl orthosilicate (TEOS) with CAS No 78-10-4 and 3 % hexamethyldisilazane (HMDS) with CAS No 999-97-3. The Authority concluded that the mixture is not of a safety concern if used at up to 0,12 % (w/w) as a starting substance during the recycling of PET. Therefore, the mixture should be added as a starting substance to the Union list of authorised substances with the restriction that it is only used during PET recycling and at up to 0,12 % (w/w).
- (10) The Authority adopted an opinion on the risks to public health related to the presence of nickel in food and drinking water ⁽⁵⁾. The opinion establishes a tolerable daily intake of 2,8 µg Ni per kg body weight per day, and indicates that the mean chronic dietary exposure to Ni is above the TDI, particularly when considering the young population. Consequently, it is appropriate to apply an allocation factor of 10 % to the conventionally derived migration limit. Therefore, it is appropriate to apply a migration limit of 0,02 mg/kg food to the migration of nickel from plastic food contact materials. That limit should therefore be added to the specification for metal migration in Annex II to the Regulation.
- (11) Point 4 of Annex III to the Regulation assigns combinations of simulants representative for different food types that should be used for overall migration testing. The text of point 4 is not sufficiently clear and should therefore be clarified.
- (12) Point 8(iii) of Annex IV to the Regulation lays down that the Declaration of Compliance issued by a business operator could specify the ratio of food contact surface area to volume used to establish the compliance of the material or article. However, it is not always clear to the operator receiving the material or article whether this ratio would also be the highest ratio at which it would comply with Article 17 and 18 of the Regulation. In other cases, specifying a surface to volume ratio may be without meaning for understanding whether compliance can be assumed at the proportions of the final material or article. In these cases, equivalent information would be needed, such as the minimum packaging volume in case of caps and closures. Therefore, point 8(iii) of Annex IV to the Regulation should be clarified by referring to the highest surface to volume ratio for which compliance has been established in accordance with Articles 17 and 18 or equivalent information.

⁽¹⁾ *EFSA Journal* 2016;14(3):4412.

⁽²⁾ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

⁽³⁾ *EFSA Journal* 2016;14(7):4534.

⁽⁴⁾ *EFSA Journal* 2016;14(1):4337.

⁽⁵⁾ *EFSA Journal* 2015;13(2):4002.

- (13) Regulation (EU) No 10/2011 should therefore be amended accordingly.
- (14) In order to limit the administrative burden and to provide business operators with sufficient time to adjust their practices to comply with the requirements of this Regulation, transitional measures should be provided.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II, III and IV to Regulation (EU) No 10/2011 are amended in accordance with the Annex to this Regulation.

Article 2

Plastic materials and articles complying with Regulation (EU) No 10/2011 as applicable before the entry into force of this Regulation, may be placed on the market until 19 May 2018 and may remain on the market until exhaustion of stocks.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in *the Official Journal of the European Union*.

Point 2 of the Annex shall apply from 19 May 2019.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 April 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Regulation (EU) No 10/2011 is amended as follows:

(1) Annex I is amended as follows:

(a) in point 1, Table 1 is amended as follows:

(i) in column 11 as regards the entries for the substances with FCM substance numbers 142, 168, 202, 387, 462, 467, 481, 502, 662 and 779, the reference to note '(1)' is deleted;

(ii) the following entries are inserted in numerical order of the FCM substance numbers:

'1007	976-56-7	diethyl[[3,5-bis(1,1-dimethylethyl)-4-hydroxyphenyl]methyl]phosphonate	no	yes	no			Only to be used up to 0,2 % w/w based on the final polymer weight in the polymerisation process to manufacture poly(ethylene terephthalate) (PET).	
'1016		(methacrylic acid, ethyl acrylate, n-butyl acrylate, methyl methacrylate and butadiene) copolymer in nanoform	yes	no	no			Only to be used up to: (a) 10 % w/w in non-plasticised PVC; (b) 15 % w/w in non-plasticised PLA. The final material shall be used at room temperature or below.	
'1030		montmorillonite clay modified by dimethyldialkyl (C16-C18) ammonium chloride	yes	no	no			Only to be used up to 12 % (w/w) in polyolefins in contact with dry foods to which simulant E is assigned in table 2 of Annex III at room temperature or below. The sum of the specific migration of 1-chlorohexadecane and 1-chlorooctadecane shall not exceed 0,05 mg/kg food. Can contain platelets in the nanoform that are only in one dimension thinner than 100 nm. Such platelets shall be oriented parallel to the polymer surface and shall be fully embedded in the polymer.	
'1055	7695-91-2 58-95-7	α -tocopherol acetate	yes	no	no			Only to be used as antioxidant in polyolefins.	(24)
'1060		ground sunflower seed hulls	yes	no	no			Only to be used at room temperature or below in contact with foods for which Table 2 of Annex III assigns food simulant E. The seed hulls shall be obtained from sunflower seeds that are fit for human consumption. The processing temperature of the plastic containing the additive shall not exceed 240 °C.	

'1062			mixture composed of 97 % tetraethyl orthosilicate (TEOS) with CAS No 78-10-4 and 3 % hexamethyldisilazane (HMDS) with CAS No 999-97-3	no	yes	no			Only to be used for the production of recycled PET and at up to 0,12 % (w/w)'.
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(b) in point 3, in Table 3, the following entry is added:

'(24)	The substance or its hydrolysis products are authorised food additives and compliance with Article 11(3) shall be verified';
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(2) in point 1 of Annex II, the following line is inserted after Manganese:

'Nickel = 0,02 mg/kg food or food simulant.';

(3) in Annex III, point 4 is replaced by the following:

'4. Food simulant assignment for testing overall migration

For tests to demonstrate compliance with the overall migration limit food simulants shall be chosen as set out in Table 3:

Table 3

Food simulant assignment for demonstrating compliance with the overall migration limit

Foods covered	Food simulants in which testing shall be performed
all types of food	1. distilled water or water of equivalent quality or food simulant A; 2. food simulant B; and 3. food simulant D2.
all types of food except for acidic foods	1. distilled water or water of equivalent quality or food simulant A; and 2. food simulant D2.
all aqueous and alcoholic foods and milk products	food simulant D1
all aqueous, acidic and alcoholic foods and milk products	1. food simulant D1; and 2. food simulant B.
all aqueous foods and alcoholic foods up to an alcohol content of 20 %	food simulant C
all aqueous and acidic foods and alcoholic foods up to an alcohol content of 20 %	1. food simulant C; and 2. food simulant B.'

(4) in Annex IV, point 8(iii) is replaced by the following:

‘(iii) the highest food contact surface area to volume ratio for which compliance has been verified in accordance with Article 17 and 18 or equivalent information;’.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/753**of 28 April 2017****renewing the approval of the active substance cyhalofop-butyl in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 20(1) thereof,

Whereas:

- (1) Commission Directive 2002/64/EC ⁽²⁾ included cyhalofop-butyl as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance cyhalofop-butyl, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 30 June 2017.
- (4) An application for the renewal of the inclusion of cyhalofop-butyl in Annex I to Directive 91/414/EEC was submitted in accordance with Article 4 of Commission Regulation (EU) No 1141/2010 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 9 of Regulation (EU) No 1141/2010. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 18 October 2013.
- (7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 9 December 2014, the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether cyhalofop-butyl can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft review report for cyhalofop-butyl to the Standing Committee on Plants, Animals, Food and Feed on 28 May 2015.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2002/64/EC of 15 July 2002 amending Council Directive 91/414/EEC to include cinidon-ethyl, cyhalofop butyl, famoxadone, florasulam, metalaxyl-M and picolinafen as active substances (OJ L 189, 18.7.2002, p. 27).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Regulation (EU) No 1141/2010 of 7 December 2010 laying down the procedure for the renewal of the inclusion of a second group of active substances in Annex I to Council Directive 91/414/EEC and establishing the list of those substances (OJ L 322, 8.12.2010, p. 10).

⁽⁶⁾ EFSA Journal 2014;12(1):3943. Available online: www.efsa.europa.eu.

- (9) It has been established with respect to one or more representative uses of at least one plant protection product containing the active substance that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. Those approval criteria are therefore deemed to be satisfied.
- (10) It is therefore appropriate to renew the approval of cyhalofop-butyl.
- (11) The risk assessment for the renewal of the approval of cyhalofop-butyl is based on a limited number of representative uses, which however do not restrict the uses for which plant protection products containing cyhalofop-butyl may be authorised. It is therefore appropriate not to maintain the restriction for use only as a herbicide.
- (12) In accordance with Article 14(1) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions.
- (13) In accordance with Article 20(3) of Regulation (EC) No 1107/2009 in conjunction with Article 13(4) thereof, the Annex to Implementing Regulation (EU) No 540/2011 should be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Renewal of the approval of active substance

The approval of the active substance cyhalofop-butyl, as specified in Annex I, is renewed subject to the conditions laid down in that Annex.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 3

Entry into force and date of application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2017.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 April 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Cyhalofop-butyl CAS No 122008-85-9 CIPAC No 596	butyl (R)-2-[4-(4-cyano-2-fluorophenoxy) phenoxy] propionate	950 g/kg	1 July 2017	30 June 2032	<p>For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on cyhalofop-butyl, and in particular Appendices I and II thereof, shall be taken into account.</p> <p>In this overall assessment Member States shall pay particular attention to:</p> <ul style="list-style-type: none"> — the protection of operators, — the technical specification, — the protection of non-target terrestrial plants. <p>Conditions of use shall include risk mitigation measures, where appropriate.</p>

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

ANNEX II

The Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

- (1) in Part A, entry 34 on Cyhalofop butyl is deleted;
 (2) in Part B, the following entry is added:

113	Cyhalofop-butyl CAS No 122008-85-9 CIPAC No 596	butyl (R)-2-[4-(4-cyano-2-fluorophenoxy) phenoxy]propionate	950 g/kg	1 July 2017	30 June 2032	<p>For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on cyhalofop-butyl, and in particular Appendices I and II thereof, shall be taken into account.</p> <p>In this overall assessment Member States shall pay particular attention to:</p> <ul style="list-style-type: none"> — the protection of operators, — the technical specification, — the protection of non-target terrestrial plants. <p>Conditions of use shall include risk mitigation measures, where appropriate.'</p>
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COMMISSION IMPLEMENTING REGULATION (EU) 2017/754**of 28 April 2017****opening and providing for the management of Union tariff quotas for certain agricultural and processed agricultural products originating in Ecuador**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 58(1) thereof,

Whereas:

- (1) By Decision (EU) 2016/2369 ⁽²⁾ ('the Decision'), the Council authorised the signing, on behalf of the Union, of the Protocol of Accession ('the Protocol') to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru ('the Agreement'), of the other part, to take account of the accession of Ecuador to the Agreement and provided for the provisional application of the Protocol from 1 January 2017 ⁽³⁾.
- (2) The Agreement stipulates that customs duties on imports into the Union of goods originating in Ecuador are to be reduced or eliminated in accordance with the tariff elimination schedule in Annex I to the Agreement. Annex I provides that, for certain goods originating in Ecuador, the reduction or elimination of customs duties is granted within tariff quotas.
- (3) The tariff quotas set out in subsection 3 to Section B of Appendix 1 of Annex I to the Agreement should be managed by the Commission on the basis of the chronological order of dates of acceptance of customs declarations for release for free circulation in accordance with Commission Implementing Regulation (EU) 2015/2447 ⁽⁴⁾.
- (4) In order to ensure the smooth application and management of the quota system granted under the Protocol, this Regulation should apply from the same date as that of the provisional application of the Protocol.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Union tariff quotas are opened for goods originating in Ecuador as set out in the Annex.

Article 2

The tariff quotas set out in the Annex shall be managed in accordance with Articles 49 to 54 of Implementing Regulation (EU) 2015/2447.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Decision (EU) 2016/2369 of 11 November 2016 on the signing, on behalf of the Union, and provisional application of the Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of Ecuador (OJ L 356, 24.12.2016, p. 1).

⁽³⁾ OJ L 358, 29.12.2016, p. 1.

⁽⁴⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

Article 3

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2017.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 April 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products in the fifth column of the table is to be considered as having no more than an indicative value.

The preferential scheme is determined, within the context of this Annex, by the scope of the CN codes set out in the third column of the table as applicable at the time of adoption of this Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN codes and corresponding descriptions in the fifth column of the table taken together.

Order No	CN code	TARIC sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Tariff quota duty
09.7525	0703 20 00		Garlic, fresh or chilled	1.1-31.12	500	0
09.7526	0710 40 00 2004 90 10 2005 80 00		Sweetcorn, uncooked or cooked by steaming or by boiling in water, frozen Sweetcorn (<i>Zea Mays</i> var. <i>Saccharata</i>), prepared or preserved otherwise than by vinegar or acetic acid	1.1-31.12	300	0
09.7527	0711 51 00 2003 10 20 2003 10 30		Mushrooms of the genus <i>Agaricus</i> , provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption Mushrooms of the genus <i>Agaricus</i> , prepared or preserved otherwise than by vinegar or acetic acid	1.1-31.12	100	0
09.7528	0711 90 30 2001 90 30 2008 99 85		Sweetcorn provisionally preserved, e.g. by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions, but unsuitable in that state for immediate consumption Sweetcorn (<i>Zea Mays</i> var. <i>Saccharata</i>), prepared or preserved by vinegar or acetic acid Maize (corn), prepared or preserved, not containing added spirit or added sugar (excl. sweetcorn (<i>Zea Mays</i> var. <i>Saccharata</i>))	1.1-31.12	400	0
09.7529	1005 90 00 1102 20		Maize (excl. seed) Maize (corn) flour	1.1-31.12	37 000 (1)	0
09.7530	1006 10 30 1006 10 50 1006 10 71		Rice (at exclusion of rice in the husk, for sowing)	1.1-31.12	5 000	0

Order No		CN code	TARIC sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Tariff quota duty
		1006 10 79 1006 20 1006 30 1006 40					
09.7531		1108 14 00		Manioc (cassava) starch	1.1-31.12	3 000	0
09.7532		1701 13 1701 14		Raw cane sugar not containing added flavouring or colouring	1.1-31.12	15 000 ⁽²⁾	0
09.7533		1701 91 1701 99 1702 30 1702 40 90 1702 50 1702 90 30 1702 90 50 1702 90 71 1702 90 75 1702 90 79 1702 90 80 1702 90 95		Cane or beet sugar and chemically pure sucrose, in solid form, other than raw sugar not containing added flavouring or colouring matter Glucose in solid form and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose Glucose in solid form and glucose syrup, not containing added flavouring or colouring matter, and containing in the dry state at least 20 % but less than 50 % by weight of fructose (excl. isoglucose and invert sugar) Chemically pure fructose in solid form Other sugars (excluding lactose and lactose syrups, maple sugar and maple syrup, glucose and glucose syrup, fructose and fructose syrups and chemically pure maltose), including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose	1.1-31.12	10 000 tonnes expressed in raw sugar equivalent ⁽³⁾	0
	Ex	1704 90 99	91 99	Other sugar confectionery, not containing cocoa, containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose)			
		1806 10 30 1806 10 90		Cocoa powder, containing 65 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose			

Order No		CN code	TARIC sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Tariff quota duty
	Ex	1806 20 95	90	Chocolate and other food preparations containing cocoa, in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form, in containers or immediate packings of a content exceeding 2 kg, containing less than 18 % by weight of cocoa butter (excl. cocoa powder, chocolate flavour coating and chocolate milk crumb), containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose)			
	Ex	1901 90 99	36	Other food preparations, containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose)			
	Ex	2006 00 31	90	Cherries, preserved by sugar (drained, glacé or crystallised), containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose)			
	Ex	2006 00 38	19 89	Vegetables, fruit, nuts, fruit-peel and other parts of plants (excluding ginger, cherries, tropical fruit and tropical nuts), preserved by sugar (drained, glacé or crystallised), containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose)			
	Ex	2007 91 10	90	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter (excluding homogenised preparations), containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose)			
	Ex	2007 99 20	90				
	Ex	2007 99 31	95				
	Ex	2007 99 33	99				
	Ex	2007 99 33	95				
	Ex	2007 99 35	99				
	Ex	2007 99 35	95				
	Ex	2007 99 39	99				
			02				
			04				
			06				
			17				
			19				
			24				
			27				
			30				

Order No		CN code	TARIC sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Tariff quota duty
			34				
			37				
			40				
			44				
			47				
			52				
			56				
			75				
			85				
	Ex	2009 11 11	19	Fruit or vegetable juice, of a value not exceeding EUR 30 per 100 kg net weight, with an added sugar content exceeding 30 % by weight			
			99				
	Ex	2009 11 91	29				
		2009 19 11	39				
			59				
			79				
	Ex	2009 19 91	19				
		2009 29 11	99				
	Ex	2009 29 91	19				
		2009 39 11	99				
	Ex	2009 39 51	19				
		2009 39 91	99				
		2009 49 11					
	Ex	2009 49 91	90				
		2009 81 11					
		2009 81 51					
	Ex	2009 89 11	19				
			99				
	Ex	2009 89 35	29				
			39				
			59				
			79				
		2009 89 61					
		2009 89 86					
	Ex	2009 90 11	90	Mixtures of juices, of a value not exceeding EUR 30 per 100 kg net weight, with an added sugar content exceeding 30 % by weight			
	Ex	2009 90 21	19				
			99				
		2009 90 31					
		2009 90 71					
		2009 90 94					

Order No		CN code	TARIC sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Tariff quota duty
	Ex	2101 12 98	92	Preparations with a basis of coffee, tea or maté, containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose			
	Ex	2101 20 98	85				
	Ex	2106 90 98	26 33 34 38 53 55	Food preparations not elsewhere specified or included, containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose			
	Ex	3302 10 29	10	Preparations based on odoriferous substances, containing all flavouring agents characterising a beverage, of a kind used in the drink industries, of an actual alcoholic strength by volume not exceeding 0,5 %, containing, by weight, 1,5 % or more of milkfat, 5 % or more of glucose or starch, containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose			
09.7534		2208 40 51		Rum with a content of volatile substances other than ethyl and methyl alcohol equal to or exceeding 225 grams per hectolitre of pure alcohol (with a 10 % tolerance), in containers holding more than 2 litres	1.1-31.12	250 hectolitres ⁽⁴⁾	0
		2208 40 99		Rum, in containers holding more than 2 litres, of a value not exceeding EUR 2 per litre of pure alcohol			

⁽¹⁾ As from 1.1.2018, volume increased by 1 110 metric tonnes each year.

⁽²⁾ As from 1.1.2018, volume increased by 450 metric tonnes each year.

⁽³⁾ As from 1.1.2018, volume increased by 150 metric tonnes expressed in raw sugar equivalent each year.

⁽⁴⁾ As from 1.1.2018, volume increased by 10 hectolitres each year.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/755**of 28 April 2017****renewing the approval of the active substance mesosulfuron in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 20(1) thereof,

Whereas:

- (1) Commission Directive 2003/119/EC ⁽²⁾ included mesosulfuron as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance mesosulfuron, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 January 2018.
- (4) An application for the renewal of the approval of mesosulfuron was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 5 October 2015.
- (7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 22 September 2016 the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether mesosulfuron (considered variant mesosulfuron-methyl) can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft renewal report for mesosulfuron-methyl to the Standing Committee on Plants, Animals, Food and Feed on 6 December 2016.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2003/119/EC of 5 December 2003 amending Council Directive 91/414/EEC to include mesosulfuron, propoxy-carbazone and zoxamide as active substances (OJ L 325, 12.12.2003, p. 41).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

⁽⁶⁾ EFSA (European Food Safety Authority), 2016. Conclusion on the peer review of the pesticide risk assessment of the active substance mesosulfuron (variant evaluated mesosulfuron-methyl). *EFSA Journal* 2016;14(10):4584, 26 pp. doi:10.2903/j.efsa.2016.4584; Available online: www.efsa.europa.eu.

- (9) It has been established with respect to one or more representative uses of at least one plant protection product containing the active substance that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied.
- (10) It is therefore appropriate to renew the approval of mesosulfuron.
- (11) The risk assessment for the renewal of the approval of mesosulfuron is based on a limited number of representative uses, which however do not restrict the uses for which plant protection products containing mesosulfuron may be authorised. It is therefore appropriate not to maintain the restriction for use only as a herbicide.
- (12) In accordance with Article 14(1) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions. It is, in particular, appropriate to require further confirmatory information.
- (13) In accordance with Article 20(3) of Regulation (EC) No 1107/2009, in conjunction with Article 13(4) thereof, the Annex to Implementing Regulation (EU) No 540/2011 should be amended accordingly.
- (14) Commission Implementing Regulation (EU) 2016/2016⁽¹⁾ extended the expiry date of mesosulfuron to 31 January 2018 in order to allow the renewal process to be completed before the expiry of the approval of that substance. Given that a decision on renewal has been taken ahead of this extended expiry date, this Regulation should apply from 1 July 2017.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Renewal of the approval of active substance

The approval of the active substance mesosulfuron, as specified in Annex I, is renewed subject to the conditions laid down in that Annex.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 3

Entry into force and date of application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2017.

⁽¹⁾ Commission Implementing Regulation (EU) 2016/2016 of 17 November 2016 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances acetamiprid, benzoic acid, flazasulfuron, mecoprop-P, mepanipyrim, mesosulfuron, propineb, propoxycarbazon, propyzamide, propiconazole, *Pseudomonas chlororaphis* Strain: MA 342, pyraclostrobin, quinoxifen, thiacloprid, thiram, ziram, zoxamide (OJ L 312, 18.11.2016, p. 21).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 April 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Mesosulfuron (parent) Mesosulfuron-methyl (variant) CAS No 208465-21-8 (mesosulfuron-methyl) CIPAC No 663 (mesosulfuron) CIPAC No 663.201 (mesosulfuron-methyl)	Mesosulfuron-methyl: methyl-2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]- α -(methanesulfonamido)- <i>p</i> -toluate Mesosulfuron: 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]- α -methanesulfonamido- <i>p</i> -toluic acid	≥ 930 g/kg (expressed as mesosulfuron-methyl)	1 July 2017	30 June 2032	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on mesosulfuron and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the protection of aquatic organisms and non-target terrestrial plants; — the protection of groundwater. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit to the Commission, the Member States and the Authority confirmatory information as regards the effect of water treatment processes on the nature of residues present in drinking water within a period of two years of a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and groundwater being made public by the Commission.

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

ANNEX II

The Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

- (1) in Part A, entry 75 on mesosulfuron is deleted;
- (2) in Part B, the following entry is added:

111	Mesosulfuron (parent) Mesosulfuron-methyl (variant) CAS No 208465-21-8 (mesosulfuron-methyl) CIPAC No 663 (mesosulfuron) CIPAC No 663.201 (mesosulfuron-methyl)	Mesosulfuron-methyl: methyl-2-[(4,6-dimethoxy- pyrimidin-2-ylcarbamoyl)sulfamoyl]- α - (methanesulfonamido)- <i>p</i> - toluate Mesosulfuron: 2-[(4,6-dimethoxy- pyrimidin-2-ylcarbamoyl)sulfa- moyl]- α -methanesulfona- mido- <i>p</i> -toluic acid	≥ 930 g/kg (expressed as me- sosulfuron-methyl)	1 July 2017	30 June 2032	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on mesosulfuron and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the protection of aquatic organisms and non-target terrestrial plants; — the protection of groundwater. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit to the Commission, the Member States and the Authority confirmatory information as regards the effect of water treatment processes on the nature of residues present in drinking water within a period of two years of a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and groundwater being made public by the Commission.'
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COMMISSION IMPLEMENTING REGULATION (EU) 2017/756**of 28 April 2017****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 April 2017.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA

Director-General

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	EG	288,4
	MA	99,5
	TR	115,6
	ZZ	167,8
0707 00 05	MA	79,4
	TR	147,7
	ZZ	113,6
0709 93 10	TR	140,9
	ZZ	140,9
0805 10 22, 0805 10 24, 0805 10 28	EG	50,0
	IL	141,6
	MA	55,7
	TR	41,8
	ZA	43,6
	ZZ	66,5
	ZZ	66,5
0805 50 10	EG	56,5
	TR	54,0
	ZZ	55,3
0808 10 80	AR	227,9
	BR	112,9
	CL	124,5
	NZ	146,7
	US	116,7
	ZA	81,8
	ZZ	135,1
	ZZ	135,1
	ZZ	135,1
0808 30 90	AR	168,8
	CL	142,4
	CN	98,4
	NZ	206,0
	ZA	116,8
	ZA	116,8
	ZZ	146,5

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/757**of 28 April 2017****on the issue of licences for importing rice under the tariff quotas opened for the April 2017 subperiod by Implementing Regulation (EU) No 1273/2011**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 1273/2011 ⁽²⁾ opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex I to that Implementing Regulation.
- (2) April is the second subperiod for the quota provided for under Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011.
- (3) The notifications sent in accordance with point (a) of Article 8 of Implementing Regulation (EU) No 1273/2011 show that, for the quota with order number 09.4130, the applications lodged in the first 10 working days of April 2017 under Article 4(1) of that Implementing Regulation cover a quantity greater than that available. The extent to which import licences may be issued should therefore be determined by fixing the allocation coefficient to be applied to the quantities requested under the quota concerned, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (4) Those notifications also show that, for the quotas with order number 09.4127 — 09.4128 and 09.4129, the applications lodged in the first 10 working days of April 2017 under Article 4(1) of Implementing Regulation (EU) No 1273/2011 cover a quantity less than that available.
- (5) The total quantity available for the following subperiod should also be fixed for the quotas with order number 09.4127 — 09.4128 — 09.4129 and 09.4130, in accordance with the first subparagraph of Article 5 of Implementing Regulation (EU) No 1273/2011.
- (6) In order to ensure sound management of the procedure of issuing import licences, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quota with order number 09.4130 referred to in Implementing Regulation (EU) No 1273/2011 lodged in the first 10 working days of April 2017, licences shall be issued for the quantity requested, multiplied by the allocation coefficient set out in the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) No 1273/2011 of 7 December 2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice (OJ L 325, 8.12.2011, p. 6).

⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

2. The total quantity available for the following subperiod under the quotas with order number 09.4127 — 09.4128 — 09.4129 and 09.4130 referred to in Implementing Regulation (EU) No 1273/2011 is set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 April 2017.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General*

Directorate-General for Agriculture and Rural Development

ANNEX

Quantities to be allocated for the April 2017 subperiod and quantities available for the following subperiod under Implementing Regulation (EU) No 1273/2011

Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the April 2017 subperiod	Total quantity available for the July 2017 subperiod (kg)
United States	09.4127	— ⁽¹⁾	17 808 482
Thailand	09.4128	— ⁽¹⁾	8 909 652
Australia	09.4129	— ⁽¹⁾	911 500
Other origins	09.4130	0,695296 %	0

⁽¹⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

DECISIONS

COUNCIL DECISION (EU) 2017/758

of 25 April 2017

on the position to be adopted, on behalf of the European Union, at the eighth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, as regards the proposals for amendments to Annexes A, B and C

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 14 October 2004, the Stockholm Convention on Persistent Organic Pollutants ('the Convention') was approved, on behalf of the European Community, by way of Council Decision 2006/507/EC ⁽¹⁾.
- (2) The Union has implemented the obligations set out in the Convention in Union law by way of Regulation (EC) No 850/2004 of the European Parliament and of the Council ⁽²⁾.
- (3) The Union places strong emphasis on the need for the gradual expansion of Annexes A, B and/or C to the Convention with new substances which fulfil the criteria for persistent organic pollutants (POPs), taking into account the precautionary principle, with a view to meeting the objective of the Convention and the commitment of governments made at the World Summit on Sustainable Development held in Johannesburg in 2002 to minimise the adverse effects of chemicals by 2020.
- (4) Pursuant to Article 22 of the Convention, the Conference of the Parties (COP) may adopt decisions amending Annexes A, B and/or C to the Convention. Those decisions enter into force one year from the date of communication by the depositary of an amendment, with the exception of those parties to the Convention ('the Parties') that have opted out.
- (5) Following a nomination of commercial decabromodiphenyl ether (c-decaBDE) received from Norway in 2013, the Persistent Organic Pollutants Review Committee (POPRC) established under the Convention has concluded its work on c-decaBDE. POPRC has found that c-decaBDE meets the criteria of the Convention for a listing in Annex A thereto. At its eighth meeting, the COP is expected to decide on the inclusion of c-decaBDE in Annex A to the Convention.
- (6) The manufacture, placing on the market or use of decabromodiphenyl ether as a substance, as a constituent in other substances, in mixtures and in articles is restricted pursuant to Commission Regulation (EU) 2017/227 ⁽³⁾ establishing entry 67 of Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽⁴⁾ (REACH) ('entry 67'). Pursuant to entry 67, the manufacture, placing on the market or use of decabromodiphenyl ether shall only be allowed for a limited time for new aircraft and for spare parts for aircraft, motor vehicles, agricultural and forestry vehicles and certain machinery.

⁽¹⁾ Council Decision 2006/507/EC of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants (OJ L 209, 31.7.2006, p. 1).

⁽²⁾ Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7).

⁽³⁾ Commission Regulation (EU) 2017/227 of 9 February 2017 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards bis(pentabromophenyl)ether (OJ L 35, 10.2.2017, p. 6).

⁽⁴⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

- (7) Following a nomination of short-chain chlorinated paraffins (SCCPs) received from the Union in 2006, POPRC has found that SCCPs meet the criteria of the Convention for a listing in Annex A thereto. At its eighth meeting, the COP is expected to decide on the inclusion of SCCPs in Annex A to the Convention.
- (8) The production, placing on the market and use of SCCPs is prohibited, with certain exemptions, pursuant to Regulation (EC) No 850/2004, as amended by Commission Regulation (EU) 2015/2030 ⁽¹⁾. That amended Regulation also specifies limit values for the presence of SCCPs in other chlorinated paraffin mixtures resulting from the manufacturing process. Since SCCPs are capable of long-range environmental transport, a global phase-out of the use of this substance would be more beneficial to Union citizens than a prohibition under Regulation (EC) No 850/2004 in the Union alone.
- (9) Following a nomination of hexachlorobutadiene (HCBD) received from the Union in 2011, POPRC has found that HCBD meets the criteria of the Convention for a listing in Annexes A and C thereto. At its seventh meeting, the COP decided to list HCBD in Annex A to the Convention. However, the COP adopted decision SC-7/11, by which the POPRC was requested to further evaluate HCBD on the basis of newly available information in relation to its listing in Annex C to the Convention and to make a recommendation to the COP on listing HCBD in Annex C for further consideration at its eighth meeting.
- (10) The production, placing on the market and use of HCBD is prohibited in the Union pursuant to Regulation (EC) No 850/2004, as amended by Commission Regulation (EU) No 519/2012 ⁽²⁾, but it may be produced unintentionally in some industrial activities. Such activities are covered under Directive 2010/75/EU of the European Parliament and of the Council ⁽³⁾ and require the application of certain emission management measures. Since HCBD is capable of long-range environmental transport, global action on unintentional releases of this substance would be more beneficial to Union citizens than the measures set out in Regulation (EC) No 850/2004 being taken in the Union alone.
- (11) Perfluorooctane sulfonic acid (PFOS) and its derivatives are listed in Annex B to the Convention with a number of 'acceptable purposes'. The COP will be requested to review the continued need of those acceptable purposes. Regulation (EC) No 850/2004 prohibits the production, placing on the market and use of PFOS but exempts certain uses that are still needed in the Union. Consequently, the Union should support the deletion of the acceptable purposes for PFOS and its derivatives that are no longer needed by the Parties, except those for photoresist and anti-reflective coatings for semi-conductors, as etching agent for compound semi-conductors and ceramic filters and in hard metal plating only in closed-loop systems,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on behalf of the Union at the eighth meeting of the Conference of the Parties (COP) to the Stockholm Convention shall be, in line with the relevant recommendations of the Persistent Organic Pollutants Review Committee, to support the:

- listing of decabromodiphenyl ether (BDE-209) present in commercial decabromodiphenyl ether (c-decaBDE) in Annex A to the Convention with 'specific exemptions' for the production and use of decaBDE in spare parts for the automotive industry. The Union shall support that listing with additional specific exemptions for aircraft and for spare parts for aircraft in line with Regulation (EU) 2017/227, as well as for spare parts for agricultural and forestry vehicles and certain machinery, if other Parties or directly involved stakeholders can demonstrate their need;
- listing of short-chain chlorinated paraffins (SCCPs) in Annex A to the Convention;
- listing of hexachlorobutadiene (HCBD) in Annex C to the Convention;

⁽¹⁾ Commission Regulation (EU) 2015/2030 of 13 November 2015 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annex I (OJ L 298, 14.11.2015, p. 1).

⁽²⁾ Commission Regulation (EU) No 519/2012 of 19 June 2012 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annex I (OJ L 159, 20.6.2012, p. 1).

⁽³⁾ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

- deletion of the following ‘acceptable purposes’ from the entry on perfluorooctane sulfonic acid (PFOS) and its derivatives in Annex B to the Convention: photo imaging, aviation hydraulic fluids, certain medical devices (such as ethylene tetrafluoroethylene copolymer (ETFE) layers and radio-opaque ETFE production, in vitro diagnostic medical devices, and CCD colour filters), fire-fighting foam, insect baits for control of leaf-cutting ants from *Atta* spp. and *Acromyrmex* spp.
2. Refinement of this position, in light of developments at the eighth meeting of the COP, may be agreed through coordination on the spot.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 25 April 2017.

For the Council
The President
I. BORG

COMMISSION IMPLEMENTING DECISION (EU) 2017/759**of 28 April 2017****on the common protocols and data formats to be used by air carriers when transferring PNR data to Passenger Information Units**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime ⁽¹⁾, and in particular Article 16(3) thereof,

Whereas:

- (1) Directive (EU) 2016/681 requires the Commission to draw-up a list of common protocols and supported data formats to be used by air carriers when transferring passenger name record (PNR) data to Member States. The air carriers need to select from that list and identify to the Member States the common protocol and data format that they intend to use.
- (2) The list of options should take into account the current state of the industry, in order to allow for a swift implementation of Directive (EU) 2016/681 and reduce the adverse economic impact on air carriers. In the same time, the options provided should ensure the security and the reliability of the transfer of PNR data.
- (3) Small air carriers that do not operate flights according to a specific and public schedule and that do not possess the necessary technical infrastructure allowing them to use the data formats and transmission protocols mentioned in the Annex should be exempted from the obligation to use these formats and protocols. Member States should agree bilaterally with these air carriers on the electronic means to be used in order to provide for an adequate level of security for the transmission of PNR data by these carriers.
- (4) According to recital (17) of Directive (EU) 2016/681, the International Civil Aviation Organisation (ICAO) guidelines on PNR should be the basis for adopting the supported data formats for transfers of PNR data by air carriers to Member States.
- (5) The PNRGOV data format is recognised as an international standard for the transmission of PNR data and has been developed jointly by governments, air carriers and service providers under the auspices of the International Air Transport Association (IATA), ICAO and the World Customs Organisation (WCO). The PNRGOV data format should be compliant with Passenger and Airport Data Interchange Standards (PADIS) EDIFACT and XML Implementation Guides for PNRGOV messages, approved and published by the WCO/IATA/ICAO API PNR Contact Committee.
- (6) UN/EDIFACT PAXLST is the data format for the transmission of advance passenger information (API) data. This format should be used for the transmission, pursuant to Article 8(2) of Directive (EU) 2016/681, of API data that air carriers collect in the normal course of their business but do not retain by the same technical means as other PNR data.
- (7) Currently, two transmission protocols, IBM MQ and IATA Type B, are the ones used by the majority of air carriers for transferring passenger data to national authorities.
- (8) IBM MQ, a proprietary product of IBM Corporation, provides secure, reliable message delivery that preserves message integrity and minimizes risk of information loss, using message queues to facilitate the exchange of information between applications, systems, services and files.

⁽¹⁾ OJ L 119, 4.5.2016, p. 132.

- (9) Type B messaging is the name given by IATA to the messaging used within and between air transport and travel related industry. It is considered within the air transport industry as highly reliable and secure and therefore supports business critical applications.
- (10) Not all air carriers are in a position to adopt and implement other transmission protocols than the ones they are currently using within a time frame shorter than 4-5 years.
- (11) Pursuant to Article 16(2) of Directive (EU) 2016/681, air carriers should be able to use at least one of the data formats and transmission protocols established through this implementing decision as of one year after the date of its adoption.
- (12) The implementing decision should consequently acknowledge the current state of the industry and provide for the possibility of air carriers to continue to use, also for the purposes of Directive (EU) 2016/681, the same data formats and transmission protocols that currently represent a standard within the industry.
- (13) On the other hand, the use of open standard data formats and transmission protocols, including the use of European standards, should be encouraged to the largest extent possible.
- (14) The Commission currently promotes the use of 'AS4' protocol, notably in the framework of the Connecting Europe Facility (CEF). This protocol should therefore be listed as an alternative to IBM MQ and IATA Type B protocols.
- (15) Industry and Member States should be encouraged to take the necessary measures, together with the international partners, with ICAO and with WCO with a view to including suitable open standard protocols as part of internationally accepted reference protocols for the transmission of PNR data by air carriers to Member States' passenger information units.
- (16) The present implementing decision should therefore be reviewed within four years after the date of its adoption to consider the possibility that proprietary products be replaced by open standard transmission protocols. It should also consider the addition of any revision to the existing EDIFACT and XML versions of PNRGOV and EDIFACT PAXLST as well as the potential development of XML standards for API messaging.
- (17) Member States may also consider providing air carriers with an acknowledgment of the receipt of the PNR transfer (using an ACKRES message). Such a decision should be based on a bilateral arrangement between the air carrier and the Member State as recommended by IATA.
- (18) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 17(1) of Directive (EU) 2016/681,

HAS ADOPTED THIS DECISION:

Article 1

Common protocols and supported data formats

1. When transferring PNR data to the Member States' passenger information units pursuant to Directive (EU) 2016/681, air carriers shall use one of the data formats and transmission protocols listed in points 1 and 2 of the Annex to this Decision.
2. In the event that air carriers transfer advance passenger information (API) data referred to in Article 8(2) of Directive (EU) 2016/681 distinctly from the PNR data transferred for the same flight, they shall use the data format referred to in point 3 of the Annex to this Decision.
3. By way of derogation from paragraphs 1 and 2 above, air carriers that do not operate extra-EU and intra-EU flights according to a specific and public schedule and that do not possess the necessary infrastructure to support the data formats and transmission protocols listed in the Annex shall transfer PNR data by electronic means that provide sufficient safeguards in respect of the technical security measures, to be agreed bilaterally between the air carrier and the relevant Member State.

*Article 2***Review**

1. The Commission shall conduct a review of this implementing decision by 28 April 2021. The review shall address in particular the possibility to provide for open standard transmission protocols exclusively or in addition to existing protocols, while ensuring they are aligned with international standards and best practices.
2. In light of this review, the Commission may adopt an amendment to this Decision.

*Article 3***Entry into force**

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 28 April 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

1. Data formats for the transfer of PNR data

- EDIFACT PNRGOV, as described in EDIFACT implementation guide; PNR data pushed to States or other authorities; PNRGOV message version 11.1 or later;
- XML PNRGOV, as described in XML implementation guide; PNR data pushed to States or other authorities; PNRGOV message version 13.1 or later.

2. Transmission protocols for the transfer of PNR data

- IBM MQ;
- IATA Type B;
- AS4 Profile of ebMS 3.0 Version 1.0, OASIS Standard, published on 23 January 2013. Implementation of AS4 according to the e-SENS AS4 Profile developed by the e-SENS Large Scale Pilot, current identifier and version: 'PR - AS4 - 1.10'. As from 2017, the Connecting Europe Facility will continue to maintain and improve these implementation guidelines.

3. Data formats for the transfer of API data when transferred separately from the PNR message

- EDIFACT PAXLST, as described in WCO/IATA/ICAO Passenger List message (PAXLST) implementation guide 2003 version or later.
-

DECISION (EU) 2017/760 OF THE EUROPEAN CENTRAL BANK
of 24 April 2017
on the total amount of annual supervisory fees for 2017 (ECB/2017/11)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular Article 30 thereof,

Having regard to Regulation (EU) No 1163/2014 of the European Central Bank of 22 October 2014 on supervisory fees (ECB/2014/41) ⁽²⁾, and in particular Articles 3(1) and 9(2) thereof,

Whereas:

- (1) The total amount of the annual supervisory fees to be levied under Article 9(2) of Regulation (EU) No 1163/2014 (ECB/2014/41) should cover, but not exceed, the expenditure incurred by the European Central Bank (ECB) in relation to its supervisory tasks in the relevant fee period. This expenditure primarily consists of costs directly related to the ECB's supervisory tasks, such as direct supervision of significant entities, oversight of the supervision of less significant entities and performance of horizontal tasks and specialised services. It also includes costs indirectly related to the ECB's supervisory tasks, such as services provided by the ECB's support business areas, including premises, human resources management, administrative services, budgeting and controlling, accounting, legal, communication and translation services, internal audit, and statistical and information technology services.
- (2) To calculate the annual supervisory fees payable in respect of significant supervised entities and significant supervised groups, and less significant supervised entities and less significant supervised groups, the total costs should be split on the basis of the expenditure allocated to the relevant functions that perform the direct supervision of significant supervised entities and significant supervised groups and the indirect supervision of less significant supervised entities and less significant supervised groups.
- (3) The total amount of the annual supervisory fees for 2017 should be calculated as the sum of: (a) the estimated annual costs of supervisory tasks for 2017, based on the approved ECB budget for 2017, taking into account any developments in the estimated annual costs expected to be incurred by the ECB that were known at the time this Decision was adopted; and (b) the surplus or deficit from 2016.
- (4) The surplus or deficit should be determined by deducting the actual annual costs of the supervisory tasks incurred for 2016, as reflected in the ECB's Annual Accounts for 2016 ⁽³⁾, from the estimated annual costs levied for 2016 set out in the Annex to Decision (EU) 2016/661 of the European Central Bank (ECB/2016/7) ⁽⁴⁾.
- (5) In accordance with Article 5(3) of Regulation (EU) No 1163/2014 (ECB/2014/41), fee amounts related to previous fee periods that were not collectible, interest payments received in accordance with Article 14 and amounts received or refunded in accordance with Article 7(3) of that Regulation, if any, should also be taken into account in the estimated annual costs of supervisory tasks for 2017,

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ OJ L 311, 31.10.2014, p. 23.

⁽³⁾ Published on the ECB's website at www.ecb.europa.eu in February 2017.

⁽⁴⁾ Decision (EU) 2016/661 of the European Central Bank of 15 April 2016 on the total amount of annual supervisory fees for 2016 (ECB/2016/7) (OJ L 114, 28.4.2016, p. 14).

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision, the definitions contained in Regulation (EU) No 468/2014 of the European Central Bank (ECB/2014/17) ⁽¹⁾ and Regulation (EU) No 1163/2014 (ECB/2014/41) shall apply.

Article 2

Total amount of annual supervisory fees for 2017

1. The total amount of annual supervisory fees for 2017 shall be EUR 424 957 652, calculated as shown in Annex I.
2. Each category of supervised entities and supervised groups shall pay the following total amount of annual supervisory fees:
 - (a) significant supervised entities and significant supervised groups: EUR 391 279 654;
 - (b) less significant supervised entities and less significant supervised groups: EUR 33 677 998.

The split of the total amount of annual supervisory fees for 2017 payable in respect of each category is shown in Annex II.

Article 3

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 24 April 2017.

The President of the ECB
Mario DRAGHI

⁽¹⁾ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (ECB/2014/17) (OJ L 141, 14.5.2014, p. 1).

ANNEX I

Calculation of the total amount of annual supervisory fees for 2017

	<i>(EUR)</i>
Estimated annual costs for 2017	464 676 594
Salaries and benefits	208 621 881
Rent and building maintenance	54 990 329
Other operating expenditure	201 064 384
Surplus/deficit from 2016	– 41 089 798
Amounts to be taken into account in accordance with Article 5(3) of Regulation (EU) No 1163/2014 (ECB/2014/41)	1 370 856
Fee amounts related to previous fee periods that were not collectible	0
Interest payments received in accordance with Article 14 of the above Regulation	– 23 761
Amounts received or refunded in accordance with Article 7(3) of the above Regulation	1 394 617
TOTAL	424 957 652

ANNEX II

Split of the total amount of annual supervisory fees for 2017

(EUR)

	Significant supervised entities and significant supervised groups	Less significant supervised entities and less significant supervised groups	Total
Estimated annual costs for 2017	427 700 563	36 976 031	464 676 594
Surplus/deficit from 2016	- 37 593 510	- 3 496 288	- 41 089 798
Amounts to be taken into account in accordance with Article 5(3) of Regulation (EU) No 1163/2014 (ECB/2014/41)	1 172 601	198 255	1 370 856
Fee amounts related to previous fee periods that were not collectible	0	0	0
Interest payments received in accordance with Article 14 of the above Regulation	- 8 696	- 15 065	- 23 761
Amounts received or refunded in accordance with Article 7(3) of the above Regulation	1 181 297	213 320	1 394 617
TOTAL	391 279 654	33 677 998	424 957 652

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2017/761

of 26 April 2017

on the European Pillar of Social Rights

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Pursuant to Article 3 of the Treaty on European Union, the aims of the Union are, inter alia, to promote the well-being of its peoples and to work for the sustainable development of Europe based on a highly competitive social market economy, aiming at full employment and social progress. The Union shall combat social exclusion and discrimination, promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.
- (2) Pursuant to Article 9 of the Treaty on the Functioning of the European Union, the Union, in defining and implementing its policies and activities, shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion and a high level of education, training and protection of human health.
- (3) Article 151 of the Treaty on the Functioning of the European Union provides that the Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.
- (4) Article 152 of the Treaty on the Functioning of the European Union provides that the Union recognises and promotes the role of the social partners at its level, taking into account the diversity of the national systems. It shall facilitate dialogue between them and respect their autonomy.
- (5) The Charter of Fundamental Rights of the European Union, first proclaimed at the Nice European Council on 7 December 2000, safeguards and promotes a number of fundamental principles that are essential for the European social model. The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law.
- (6) The Treaty on the Functioning of the European Union contains provisions laying down the powers of the Union relating, inter alia, to the freedom of movement of workers (Articles 45 to 48), the right of establishment (Articles 49 to 55), social policy (Articles 151 to 161), the promotion of dialogue between management and labour (Article 154), including agreements concluded and implemented at Union level (Article 155), equal pay for men and women for equal work (Article 157), the contribution to the development of quality education and vocational training (Articles 165 and 166), Union action complementing national policies and fostering cooperation in the field of health (Article 168), economic, social and territorial cohesion (Articles 174 to 178), the formulation, and the surveillance of the implementation, of the broad guidelines of the economic policies (Article 121), the formulation, and the examination of the implementation of the employment guidelines (Article 148) and more generally, the approximation of legislation (Articles 114 to 117).

- (7) The European Parliament called for a solid European Pillar of Social Rights to reinforce social rights and deliver a positive impact on people's lives in the short and medium term and enable support for European construction in the 21st century ⁽¹⁾. The European Council stressed that economic and social insecurity needs to be addressed as a matter of priority and called for the creation of a promising future for all, safeguards for our way of life and the provision of better opportunities for youth ⁽²⁾. The leaders of 27 Member States and of the European Council, the European Parliament and the European Commission made a commitment to work towards a social Europe in the Rome agenda. That commitment is based on the principles of sustainable growth and the promotion of economic and social progress, as well as cohesion and convergence, while upholding the integrity of the internal market ⁽³⁾. The social partners have committed to continue contributing to a Europe that delivers for its workers and enterprises ⁽⁴⁾.
- (8) The completion of the European single market in the last decades has been accompanied by the development of a solid social *acquis* which has resulted in progress in the freedom of movement, living and working conditions, equality between women and men, health and safety at work, social protection and education and training. The introduction of the euro has provided the Union with a stable common currency shared by 340 million citizens in nineteen Member States, facilitating their daily lives and protecting them against financial instability. The Union has also enlarged significantly, increasing economic opportunities and promoting social progress across the continent.
- (9) Labour markets and societies are evolving quickly, with new opportunities and new challenges arising from globalisation, the digital revolution, changing work patterns and societal and demographic developments. Challenges, such as significant inequality, long-term and youth unemployment or intergenerational solidarity, are often similar across Member States although in varying degrees.
- (10) Europe has shown its resolve to overcome the financial and economic crisis, and as a result of determined action, the Union economy is now more stable, with employment levels at an unprecedented high and a steady fall in unemployment. However, the social consequences of the crisis have been far-reaching — from youth and long-term unemployment to the risk of poverty — and addressing those consequences remains an urgent priority.
- (11) To a large extent, the employment and social challenges facing Europe are a result of relatively modest growth, which is rooted in untapped potential in terms of participation in employment and productivity. Economic and social progress are intertwined, and the establishment of a European Pillar of Social Rights should be part of wider efforts to build a more inclusive and sustainable growth model by improving Europe's competitiveness and making it a better place to invest, create jobs and foster social cohesion.
- (12) The aim of the European Pillar of Social Rights is to serve as a guide towards efficient employment and social outcomes when responding to current and future challenges which are directly aimed at fulfilling people's essential needs, and ensuring better enactment and implementation of social rights.
- (13) A stronger focus on employment and social performance is particularly important to increase resilience and deepen the Economic and Monetary Union. For this reason, the European Pillar of Social Rights is primarily conceived for the euro area but it is applicable to all Member States that wish to be part of it.
- (14) The European Pillar of Social Rights expresses principles and rights essential for fair and well-functioning labour markets and welfare systems in 21st century Europe. It reaffirms some of the rights already present in the Union *acquis*. It adds new principles which address the challenges arising from societal, technological and economic developments.
- (15) The principles enshrined in the European Pillar of Social Rights concern Union citizens and third country nationals with legal residence. Where a principle refers to workers, it concerns all persons in employment, regardless of their employment status, modality and duration.

⁽¹⁾ European Parliament resolution of 19 January 2017 on a European Pillar of Social Rights (2016/2095(INI)).

⁽²⁾ The Bratislava Declaration of 16 September 2016.

⁽³⁾ The Rome Declaration of 25 March 2017.

⁽⁴⁾ Joint statement of the social partners of 24 March 2017.

- (16) The European Pillar of Social Rights shall not prevent Member States or their social partners from establishing more ambitious social standards. In particular, nothing in the European Pillar of Social Rights shall be interpreted as restricting or adversely affecting rights and principles as recognised, in their respective fields of application, by Union law or international law and by international agreements to which the Union or all the Member States are party, including the European Social Charter signed at Turin on 18 October 1961 and the relevant Conventions and Recommendations of the International Labour Organisation.
- (17) Delivering on the European Pillar of Social Rights is a shared commitment and responsibility between the Union, its Member States and the social partners. The principles and rights set by the European Pillar of Social Rights should be implemented at both Union level and Member State level within their respective competences and in accordance with the principle of subsidiarity.
- (18) At Union level, the European Pillar of Social Rights does not entail an extension of the Union's powers as defined by the Treaties. It should be implemented within the limits of those powers.
- (19) At Member State level, the Pillar respects the diversity of the cultures and traditions of the peoples of Europe, as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels. In particular, the establishment of the Pillar does not affect the right of Member States to define the fundamental principles of their social security systems and should not affect the financial equilibrium thereof.
- (20) Social dialogue plays a central role in reinforcing social rights and enhancing sustainable and inclusive growth. Social partners at all levels have a crucial role to play in pursuing and implementing the European Pillar of Social Rights, in accordance with their autonomy and the right to collective action.

HAS ADOPTED THIS RECOMMENDATION:

EUROPEAN PILLAR OF SOCIAL RIGHTS

CHAPTER I

Equal opportunities and access to the labour market

1. Education, training and life-long learning

Everyone has the right to quality and inclusive education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in society and manage successfully transitions in the labour market.

2. Gender equality

- (a) Equality of treatment and opportunities between women and men must be ensured and fostered in all areas, including regarding participation in the labour market, terms and conditions of employment and career progression.
- (b) Women and men have the right to equal pay for work of equal value.

3. Equal opportunities

Regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities regarding employment, social protection, education, and access to goods and services available to the public. Equal opportunities of under-represented groups shall be fostered.

4. Active support to employment

- (a) Everyone has the right to timely and tailor-made assistance to improve employment or self-employment prospects. This includes the right to receive support for job search, training and re-qualification. Everyone has the right to transfer social protection and training entitlements during professional transitions.
- (b) Young people have the right to continued education, apprenticeship, traineeship or a job offer of good standing within 4 months of becoming unemployed or leaving education.
- (c) People unemployed have the right to personalised, continuous and consistent support. The long-term unemployed have the right to an in-depth individual assessment at the latest at 18 months of unemployment.

CHAPTER II

Fair working conditions

5. Secure and adaptable employment

- (a) Regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training. The transition towards open-ended forms of employment shall be fostered.
- (b) In accordance with legislation and collective agreements, the necessary flexibility for employers to adapt swiftly to changes in the economic context shall be ensured.
- (c) Innovative forms of work that ensure quality working conditions shall be fostered. Entrepreneurship and self-employment shall be encouraged. Occupational mobility shall be facilitated.
- (d) Employment relationships that lead to precarious working conditions shall be prevented, including by prohibiting abuse of atypical contracts. Any probation period should be of reasonable duration.

6. Wages

- (a) Workers have the right to fair wages that provide for a decent standard of living.
- (b) Adequate minimum wages shall be ensured, in a way that provide for the satisfaction of the needs of the worker and his/her family in the light of national economic and social conditions, whilst safeguarding access to employment and incentives to seek work. In-work poverty shall be prevented.
- (c) All wages shall be set in a transparent and predictable way according to national practices and respecting the autonomy of the social partners.

7. Information about employment conditions and protection in case of dismissals

- (a) Workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including on probation period.
- (b) Prior to any dismissal, workers have the right to be informed of the reasons and be granted a reasonable period of notice. They have the right to access to effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation.

8. Social dialogue and involvement of workers

- (a) The social partners shall be consulted on the design and implementation of economic, employment and social policies according to national practices. They shall be encouraged to negotiate and conclude collective agreements in matters relevant to them, while respecting their autonomy and the right to collective action. Where appropriate, agreements concluded between the social partners shall be implemented at the level of the Union and its Member States.
- (b) Workers or their representatives have the right to be informed and consulted in good time on matters relevant to them, in particular on the transfer, restructuring and merger of undertakings and on collective redundancies.
- (c) Support for increased capacity of social partners to promote social dialogue shall be encouraged.

9. Work-life balance

Parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way.

10. Healthy, safe and well-adapted work environment and data protection

- (a) Workers have the right to a high level of protection of their health and safety at work.
- (b) Workers have the right to a working environment adapted to their professional needs and which enables them to prolong their participation in the labour market.
- (c) Workers have the right to have their personal data protected in the employment context.

CHAPTER III

Social protection and inclusion

11. Childcare and support to children

- (a) Children have the right to affordable early childhood education and care of good quality.
- (b) Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.

12. Social protection

Regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed, have the right to adequate social protection.

13. Unemployment benefits

The unemployed have the right to adequate activation support from public employment services to (re)integrate in the labour market and adequate unemployment benefits of reasonable duration, in line with their contributions and national eligibility rules. Such benefits shall not constitute a disincentive for a quick return to employment.

14. Minimum income

Everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services. For those who can work, minimum income benefits should be combined with incentives to (re)integrate into the labour market.

15. Old age income and pensions

(a) Workers and the self-employed in retirement have the right to a pension commensurate to their contributions and ensuring an adequate income. Women and men shall have equal opportunities to acquire pension rights.

(b) Everyone in old age has the right to resources that ensure living in dignity.

16. Health care

Everyone has the right to timely access to affordable, preventive and curative health care of good quality.

17. Inclusion of people with disabilities

People with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs.

18. Long-term care

Everyone has the right to affordable long-term care services of good quality, in particular home-care and community-based services.

19. Housing and assistance for the homeless

(a) Access to social housing or housing assistance of good quality shall be provided for those in need.

(b) Vulnerable people have the right to appropriate assistance and protection against forced eviction.

(c) Adequate shelter and services shall be provided to the homeless in order to promote their social inclusion.

20. Access to essential services

Everyone has the right to access essential services of good quality, including water, sanitation, energy, transport, financial services and digital communications. Support for access to such services shall be available for those in need.

Done at Brussels, 26 April 2017.

For the Commission
Marianne THYSSEN
Member of the Commission

CORRIGENDA**Corrigendum to Council Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes**

(Official Journal of the European Union L 183 of 8 July 2016)

On page 28, Article 69(2) and (3):

- for:* ‘2. If the proceedings in the Member State of origin were instituted before 29 January 2019, decisions given after that date shall be recognised and enforced in accordance with Chapter IV as long as the rules of jurisdiction applied comply with those set out in Chapter II.
3. Chapter III shall apply only to spouses who marry or who specify the law applicable to the matrimonial property regime after 29 January 2019.’
- read:* ‘2. If the proceedings in the Member State of origin were instituted before 29 January 2019, decisions given on or after that date shall be recognised and enforced in accordance with Chapter IV as long as the rules of jurisdiction applied comply with those set out in Chapter II.
3. Chapter III shall apply only to spouses who marry or who specify the law applicable to the matrimonial property regime on or after 29 January 2019.’
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Corrigendum to Council Regulation (EU) 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships

(Official Journal of the European Union L 183 of 8 July 2016)

On page 56, Article 69(2) and (3):

- for:* ‘2. If the the proceedings in the Member State of origin were instituted before 29 January 2019, decisions given after that date shall be recognised and enforced in accordance with Chapter IV as long as the rules of jurisdiction applied comply with those set out in Chapter II.
3. Chapter III shall apply only to partners who register their partnership or who specify the law applicable to the property consequences of their registered partnership after 29 January 2019.’
- read:* ‘2. If the proceedings in the Member State of origin were instituted before 29 January 2019, decisions given on or after that date shall be recognised and enforced in accordance with Chapter IV as long as the rules of jurisdiction applied comply with those set out in Chapter II.
3. Chapter III shall apply only to partners who register their partnership or who specify the law applicable to the property consequences of their registered partnership on or after 29 January 2019.’
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